

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 3/21/2023
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TARA NEWMAN, *individually and on behalf of all*
others similarly situated,

Plaintiff,

-v -

MONDELEZ GLOBAL LLC,

Defendant.

1:23-cv-1988-GHW

ORDER

GREGORY H. WOODS, United States District Judge:

Plaintiff commenced this action on March 8, 2023, alleging that Defendant engaged in deceptive and misleading business practices that did not disclose dangers inherent in its products. *See* Dkt. No. 1 ¶¶ 1–2. The complaint alleged that “[v]enue is proper because Plaintiff and many Class Members reside in the *Eastern District of New York*, and throughout the state of New York,” and because “[a] substantial part of the events or omissions giving rise to the Classes’ claims occurred in *this district*.” *Id.* ¶ 13 (emphases added).

As this Court is located in the Southern District of New York, rather than the Eastern District of New York, the Court issued a show-cause order as to why this case should not be transferred to the Eastern District of New York on March 15, 2023. Dkt. No. 7. In that order, the Court noted that “[v]enue is proper in a “judicial district in which any *defendant* resides, if all defendants are residents of the State in which the district is located,” 28 U.S.C. § 1391(b)(1), but that Plaintiff had not alleged that Defendant resides in the Southern District of New York. Dkt. No. 7 at 1. The Court also noted that venue is proper in a “judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated,” 28 U.S.C. § 1391(b)(2), but that Plaintiff’s complaint appeared to


suggest that the claim arose in the Eastern District of New York. Dkt. No. 7 at 1. Finally, the order gave Plaintiff until not later than March 20, 2023, to show cause as to why the case should not be transferred to the Eastern District of New York (or to consent to transfer). *Id.* at 2; *see* 28 U.S.C. § 1406(a).

Plaintiff has not responded to that show-cause order. Accordingly, this case is hereby transferred under 28 U.S.C. § 1406(a) to the District Court for the Eastern District of New York, where Plaintiff and many Class Members reside and where a substantial part of the events giving rise to this claim are alleged to have occurred.

The Clerk of Court is directed to transfer this case to the District Court for the Eastern District of New York without delay. Plaintiff is directed to serve a copy of this order on Defendant and to retain proof of service.

SO ORDERED.

Dated: March 21, 2023
New York, New York


GREGORY H. WOODS
United States District Judge